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Request for Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/073,761
Filing Date	February 11, 2002
First Named Inventor	Robert Wham et al.
Art Unit	3739
Examiner Name	M.F. Peffley
Attorney Docket Number	2155CIP (203-3398CIP)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Copy of Petition for an Unintentionally Delayed Domestic Priority Claim Under 37 CFR 1.78(a)(3) and (a)(6)
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 21-0550
- a. ☒
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Edward C. Meagher	Registration No. (Attorney/Agent)	41,189
Signature		Date	April 8, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Edward C. Meagher	Date	April 8, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert Wham et al. Examiner: Peffley, M.F.
Serial No.: 10/073,761 Group: Art Unit 3739
Filed: February 11, 2002 Docket: (2155CIP)203-3398CIP
For: **VESSEL SEALING
SYSTEM** Dated: April 8, 2004

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
MAILSTOP: RCE

COPY

Dear Sir:

Please amend the above-identified application as follows:

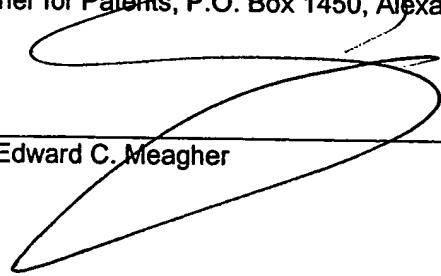
Amendments to the Specification begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Petition and the documents referred to as enclosed therein are being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 8, 2004.

Dated: April 8, 2004



Edward C. Meagher

Amendments to the Specification:

Please replace the paragraph beginning on page 1, line 6 of the present application with the following paragraph:

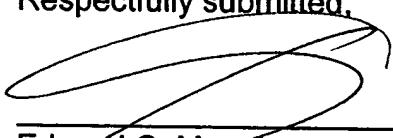
— The present application is a continuation-in-part application of Application Serial No. 09/408,944, filed September 30, 1999, the contents of which are herein incorporated by reference, which claims the benefit of U.S. Provisional Application No. 60/105,417, filed October 23, 1998. —

REMARKS

By this Amendment, Applicants have claimed priority to U.S. Application Serial No. 60/105,417 filed on October 23, 1998. Since this priority claim is being submitted after four months of the filing date of the present application and sixteen months after the filing of the priority application, a PETITION FOR AN UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM UNDER 37 C.F.R. § 1.78(a)(3) and (a)(6) is being concurrently filed herewith, under separate cover.

Early and favorable consideration is earnestly solicited.

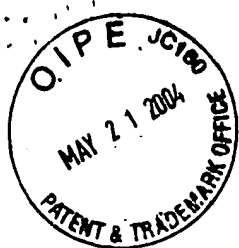
Respectfully submitted,



Edward C. Meagher
Attorney for Applicants
Reg. No. 41,189

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ECM/MJP/gm



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert Wham et al. Examiner: Peffley, M.F.
Serial No.: 10/073,761 Group: Art Unit 3739
Filed: February 11, 2002 Docket: (2155CIP)203-3398CIP)
For: **VESSEL SEALING
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COPY COPY

**PETITION FOR AN UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM
UNDER 37 C.F.R. § 1.78(a)(3) and (a)(6)**

Sir:

1. The present application was filed on February 11, 2002 and originally claimed priority as a continuation-in-part application to Application Serial No. 09/408,944. Application Serial No. 09/408, 944, filed September 30, 1999, claims priority to Provisional Application No. 60/105,417 filed October 23, 1998. Therefore, Applicants respectfully request granting of this petition to correct the priority of the

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: April 8, 2004


Edward C. Meagher

present application to the filing date of the 60/105,417 application, namely, October 23, 1998. A Request for Continued Examination (RCE) and Amendment are attached amending the specification of the present application to reflect same.

2. Fee (37 C.F.R. 1.17(t))

Application status is:

- ☐ Small business entity – fee \$
- ☒ Other than small entity – fee \$ 1,330.00

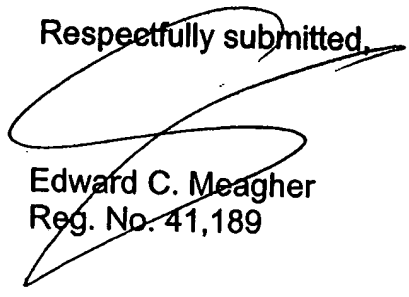
3. Payment of fee:

- ☐ Enclosed please find check for \$_____.
- ☐ Charge Account 21-0550 for any additional fee required.
- ☒ Charge Account 21-0550 the sum of \$1,330.00 and for any additional fee required.

4. The entire delay between the date the priority claim was due and the date of filing this petition was unintentional. 37 C.F.R. § 1.78(a)(3)(iii) and (a)(6)(iii).

A DUPLICATE OF THIS PETITION IS ATTACHED.

Respectfully submitted,


Edward C. Meagher
Reg. No. 41,189

Date: April 8, 2004

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Tel.: (631) 501-5700
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ECM/MJP/gm



PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. RCE Transmittal Sheet (in triplicate)
2. Amendment
3. Copy of Petition for an Unintentionally Delayed Domestic Priority Claim
4. Certificate of Mailing

Applicant: Wham et al.
Serial No.: 10/073,761
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